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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,130	11/20/2000	Paul S. Kay	8838	6369

26890 7590 04/03/2006

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EXAMINER

ZAND, KAMBIZ

ART UNIT PAPER NUMBER

2132

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/715,130	Applicant(s) KAY, PAUL S.	
	Examiner Kambiz Zand	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on RCE filed 01/10/2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,9 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,9 and 11-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**KAMBIZ ZAND**  
 PRIMARY EXAMINER

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/10/2006 has been entered.
2. The text of those sections of Title 35, U.S. Code not included in this section can be found in the prior office action.
3. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.
4. Claims 2, 7-8 and 10 have been cancelled.
5. Claims 1 and 9 have been amended.
6. Claims 1, 3-6, 9 and 11-14 are pending.

## **Drawings**

7. New formal drawings are required in this application because original drawings by the applicant were objected to by the Examiner under 37 CFR 1.84 or 1.152 (Fig. 3 and 4 not clear). Please see attached PTO-948. Correction is requested.

***Response to Arguments***

8. Applicant's arguments filed 01/10/2006 have been fully considered but they are not persuasive.

**Applicant has repeated the exact arguments that were presented in response to the non-final rejection rendered on 09/29/2004, arguments that previous examiner has considered as not persuasive (see previous examiner's Final Rejection remarks mailed on 05/12/2005). The deletion of the above limitation from the claim language of claims 1 and 9 only has broaden the claim language confirming that there is one distributing agent.**

Applicant argues that He does not disclose multiple types of security agents: a "set of interdependent security agents including a configuration agent, a distribution agent, a secure copy agent, and a patrol agent." He discloses a security agent which could provide capabilities such as retrieve, transfer, or exchange credential among different hierarchy systems, or introduce one agent to another, or delegate one agent to act on another's behalf, etc. (He: page 2, right column, section 2. 1, first paragraph). This meets the limitation of a configuration agent. He also disclose He discloses a communicator (He: page 2, right column, last 2 lines; page 3 left column, first 2 paragraphs.) This meets the limitation of a distribution agent. The limitation recites a "set of interdependent agents including a configuration agent, a distribution agent, a secure copy agent, and a patrol agent." He discloses a configuration agent,

a distribution agent as discussed above. This meets the limitation since only a configuration, a distribution agent, secure copy agent, and a patrol agent is claimed not a configuration, distribution, secure copy, and a patrol agent.

**Examiner strongly suggests applicant to present a concrete and clear arguments with respect to the prior art used in the light of the deletion of the limitation from the independent claim languages, and reasons why such deletion would distant the applicant's invention over the prior art.**

***Claim Rejections - 35 USC § 101***

9. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. **Claims 1 and 9** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. claim 1 language is a disembodied data structure (program) involving no more than descriptive material and therefore, is nonstatutory under 35 U.S.C. 101. See *In re Warmerdam*, 33 F.3d 1354; 31 USPQ2d 1754. See MPEP § 2106 IV. B. 1. See <http://www.uspto.gov/web/menu/pbmethod/> (35 U.S.C. 101 Training Materials).

Claim 1 does not disclose any execution method steps in the body of the claim, nor does disclose usefulness and concrete tangible result. Claim 9 does not disclose usefulness and concrete tangible result.

***Claim Rejections - 35 USC § 102***

11. **Claims 1 and 9** are rejected under 35 U.S.C. 102(b) as being anticipated by Non Patent Literature "Personal Security Agent: KoML-Based PKE by Qi He, Katia P. Sycara, and Timothy W Finin.

**As per claims 1, and 9**, He, Sycara, and Finin disclose software agents, which will be delegated by humans to automatically perform task, including digitally conducting transactions across the Internet (He: page 1, right column, second full paragraph). This meets the limitations of "deploying a set of interdependent security agents within an agent community, and managing the agent community security using the security agents." He discloses a security agent which could provide capabilities such as retrieve, transfer, or exchange credential among different hierarchy systems, or introduce one agent to another, or delegate one agent to act on another's behalf, etc. (He: page 2, right column, section 2. 1, first paragraph). This meets the limitation of a configuration agent. He discloses a communicator (He: page 2, right column, last 2 lines; page 3 left column, first 2 paragraphs. This meets the limitation of a distribution agent.

***Claim Rejections - 35 USC § 103***

12. **Claims 3-6 and 11-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Non Patent Literature "Personal Security Agent: KoML-Based PKE by Qi He, Katia P. Sycara, and Timothy W Finin in view of Non Patent Literature "security mechanisms for the MAP agent system" by Antonio Puliafito and Orzaio Tomarchio.

**As per claims 3-5 and 11-13**, He does not disclose a patrol agent in investigatory mode isolating an unauthorized agent. Puliafito discloses when an agent reaches a host it is confined to a protection domain where it can operate within fixed limits (Puliafito: page 4, left column, first full paragraph, page 6, right column, 3rd –4th paragraph). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the method of using security agents as disclose in He with the method of confining the agents to protection domains as disclosed by Puliafito in order to protect the hosts from the agents and the agents from other agents and from the attacks coming from the network (Puliafito: page 4, right column, section 4. 1)..

**As per claims 6, and 14**, He does not disclose migrating one agent to another agent community. Puliafito discloses migrating an agent to another community (Puliafito: page 4, right column, 4 bullet). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the method of using security agents as disclose in He with the method of migrating agents to other

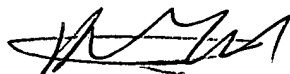
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communities as disclosed by Puliafito in order to integrate remote execution and code on demand (Puliafito: page 2, left column, section 3,. page 3, right column, first paragraph).

### Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Please see enclosed PTO-892.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (571) 272-3811. The examiner can normally be reached on Monday-Thursday (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone numbers for the organization where this application or proceeding is assigned is 571-272-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KAMBIZ ZAND  
PRIMARY EXAMINER

03/30/2006

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